

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE CITY OF NEW YORK,

Plaintiff,

v.

ENVIROMD GROUP LLC; GT IMPORTS;
KAYLA WHOLESALE, INC., d/b/a The Vapery;
KLCC WHOLESALE INC.; PIONEER DISTRIBUTION, INC.
a/k/a WEVAPEUSA.COM a/k/a SELLER SUPREME LLC;
RZ SMOKE INC.; STAR ZONE INC.;
URBAN SMOKE DISTRIBUTORS;
VAPE MORE INC. a/k/a MORE LLC; VAPE PLUS
DISTRIBUTION CORP. a/k/a G&A DISTRIBUTION;
DAVID ALFIH a/k/a David Alfieh, a/k/a DJ Alfani; and
MARCUS BERNARD,

Defendants.

1:24-cv-5161-GHW-JW

**DECLARATION IN
SUPPORT OF REQUEST
FOR CLERK'S
CERTIFICATE OF
DEFAULT**

ELIZABETH SLATER, an attorney duly admitted to practice before the courts of the State of New York and this Court, declares under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am an assistant corporation counsel in the office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, attorney for Plaintiff the City of New York ("City").
2. I make this declaration in support of the City's application pursuant to Federal Rule of Civil Procedure Rule 55(a) and Local Civil Rule 55.1 for a certificate of default against Pioneer Distribution, Inc., David Alfih, and Marcus Bernard (collectively, the "Pioneer Defendants").

3. This action was commenced in the Supreme Court of the State of New York, New York County, on April 4, 2024 with the filing of a summons and complaint.
4. The state court action was assigned index number 451009/2024.
5. A copy of the summons and complaint was served on Pioneer Distribution Inc. by service upon the Secretary of State of New York on April 19, 2024, and the Affidavit of Service was filed on April 25, 2024. A copy of the Affidavit of Service upon Pioneer Distribution Inc. is annexed as Exhibit A.
6. An amended complaint was filed on June 14, 2024. David Alfih and Marcus Bernard (together with Pioneer Distribution Inc., the “Pioneer Defendants”) were added as defendants.
7. The case was removed to this Court on July 8, 2024.
8. The complaint was further amended on August 21, 2024 (the “Second Amended Complaint”).
9. A copy of the summons, the Second Amended Complaint with exhibits, and the Court orders dated July 29, August 7, August 10, and September 12, 2024 were served upon Mr. Alfih by delivering a true copy to a person of suitable age and discretion at 1431 E 7th St, Brooklyn, NY 11230-5712, with additional service by mail, on September 24, 2024, and the Affidavit of Service was filed on October 18, 2024. A copy of the Affidavit of Service is annexed as Exhibit B.
10. A copy of the summons, the Second Amended Complaint with exhibits, and the Court orders dated July 29, August 7, August 10, and September 12, 2024 were served upon Mr. Bernard by delivering a true copy to a person of suitable age and discretion at 1431 E 7th St, Brooklyn, NY 11230-5712, with additional service by mail, on October 14, 2024, and

the Affidavit of Service was filed on October 22, 2024. A copy of the Affidavit of Service is annexed as Exhibit C.

11. The Pioneer Defendants have not appeared in this action and have not contacted counsel for the City directly or through counsel.
12. Mr. Alfih and Mr. Bernard are not infants, and to the best of my knowledge are not in the military, or incompetent persons.
13. Accordingly, I respectfully request that the Clerk of this Court issue a certificate of default against the Pioneer Defendants and in favor of the City in this action.

Dated: New York, New York
April 3, 2025

By: /s/ Elizabeth Slater
Elizabeth Slater
Assistant Corporation Counsel